

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**DAVID E. PAYNE**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 3:11-CV-389-CWR-FKB**

**ACA, ET AL.**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The above-styled matter is before the Court on the Report and Recommendation of Magistrate Judge F. Keith Ball. Docket No. 112. On January 23, 2014, Judge Ball recommended that Plaintiff's petition be dismissed with prejudice, and pursuant to Rule 72(a)(3) of the *Local Uniform Civil Rules of the United States District Courts for the Northern District of Mississippi and the Southern District of Mississippi*, advised the parties that objections, if any, must be filed within 14 days of being served with a copy of the Report and Recommendation. Docket No. 112, at 7. That period has expired, and neither party has voiced any objection.

The findings of fact and conclusions of law contained within the Report and Recommendation are, therefore, adopted fully herein by reference, and the Plaintiff's petition is hereby dismissed with prejudice. A Final Judgment will be entered in accordance with this Order.

**SO ORDERED**, this the 11th day of February, 2014.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE